IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 33675 of 2006(H)

PETITIONER:

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1. M.SIVARAMA MENON, SARIKA,
   KUTTIKKAD ROAD, SREEMOOLA NAGARAM PANCHAYAT,
   ERNAKULAM DISTRICT.

2. SARADA MENON,
   W/O.M.SIVARAMA MENON,
   SARIKA, KUTTIKKAD ROAD, SREEMOOLA NAGARAM
   PANCHAYAT, ERNAKULAM DISTRICT.

BY ADV. SRI.MOHAN C.MENON

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
   ERNAKULAM.

2. P.K.NALAN,
   ADDITIONAL TAHSILDAR, ALUVA, ERNAKULAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.33675 OF 2006

Dated this the 31st day of January, 2007

JUDGMENT

Heard learned counsel for the petitioner and learned Government Pleader.

2. The complaint of the petitioner is that in a proceedings under the Survey and Boundaries Act, the Deputy Director, Survey, issued Ext.P3 to the Tahsildar, which, essentially, is a decision remitting the proceedings and that the second respondent Tahsildar, however, issued an order (Ext.P4) in violation of Ext.P3 and that the Ext.P5 representation made by the petitioner before the District Collector complaining about such illegality is not gaining due attention. Ext.P4 is a statutory order and therefore, Ext.P5 could be considered primarily by the Deputy Director, Survey. Accordingly, this writ petition is disposed of directing that the District Collector, first respondent will make over Ext.P5 to the Deputy Director, Survey, Ernakulam, who will take up Ext.P5, treat it as an appeal against

Ext.P4 and decide upon the same in accordance with law. This will be done by the Deputy Director within a period of three months from the date of receipt of a copy of this judgment.

The petitioner will produce a copy of the writ petition along with a copy of this judgment before the first respondent and also the Deputy Director, Survey, Ernakulam for compliance.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.